

PATENT  
10/058,397

#### D. REMARKS

##### *Specification*

Applicants have amended the specification above to include the application serial numbers of the related cross-references.

##### *Interview Summary*

On November 23, 2004 at 3:00 PM EST, an interview was conducted via telephone between Amy Pattillo, Applicants' Representative, and Examiners Zhou and Cabeca. No exhibits were shown, nor demonstrations conducted.

First, Applicants' representative and the Examiners discussed claim 1, and in particular a proposed amendment to claim 1. Specifically, the prior art cited against claim 1 is Sciammarella (U.S. Patent 6,081,266). Applicants' representative proposed an amendment to claim 1 that would amend the first step to read "detecting a graphical characteristic of at least one displayable object within a user interface, wherein said graphical characteristic represents a percentage of usage of a system resource of a computer system in association with said at least one displayable object". The Examiners argued that usage of a system resource is a broad term and could include the use of the CPU to control displaying a window, which is taught by Sciammarella.

Second, Applicants' representative and the Examiner discussed claim 6, and in particular a proposed amendment to claim 6. Specifically, the prior art cited against claim 6 is Sciammarella. Applicants' representative proposed an amendment to claim 6 that would clarify that adjusting sound for "environment effects" is not just an adjustment to the volume of the sound output, but includes applying sound effects, such as a whisper, an echo, and a muffle.

No agreement was reached with respect to claim 1 or claim 6. Applicant is filing this response for further review by the Examiner.

AUS920010520US1

12

PATENT  
10/058,397

**35 USC § 102(b)**

Claims 1-3, 5-6, 8-12, 14-15, 17-21, 23-24, and 26-27 stand rejected under 35 U.S.C. §102(b) as being anticipated by Sciammarella (US Patent 6,081,266). "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed Cir. 1987). Furthermore the reference must be an enabling disclosure of each and every element as set forth in the claim. *In re Hoecksmma*, 158 USPQ 596, 600 (CCPA 1968); *In re LeGrive*, 133 USPQ 365, 372 (CCPA 1962). Applicants request allowance of claims 1-3, 5-6, 8-12, 14-15, 17-21, 23-24, and 26-27 in view of the amendments and arguments hereafter.

**Claims 1, 10, and 19**

With respect to claims 1, 10, and 19, the Examiner cites Sciammarella as teaching the method, system and program of claims 1, 10 and 19, respectively. In particular, amended claim 1 currently reads:

**1.(Currently Amended)** A method for specifying audio output, said method comprising the steps of:

detecting a graphical characteristic of at least one displayable object within a user interface, wherein said graphical characteristic represents a percentage usage of a system resource of a computer system in association with said at least one displayable object, wherein said percentage of usage is independent of use of said system resource associated with displaying said at least one displayable object; and

AUS920010520US1

13

PATENT  
10/058,397

adjusting an audio output of a sound associated with said at least one displayable object to reflect said graphical characteristic, such that said audio output is specified according to a graphical display within said user interface.

In the rejection of claim 1, the Examiner cites Sciammarella as teaching the element of “detecting a graphical characteristic of at least one displayable object within a user interface” in the description of “detecting a feature of a graphical object on the display screen, such as the size or location of the graphical object” on col. 1, lines 48-57 and col. 2, lines 52-63. [Office Action, p. 2]

Applicants note that in the rejection, the Examiner equates Sciammarella’s teaching of a “size or location” of a graphical object as a “graphical characteristic.” Applicants assert that Sciammarella does not teach a graphical characteristic that represents a percentage of the use of a system resource of a computer system in association with the displayable object. In addition, Sciammarella does not teach the graphical characteristic where the percentage of usage is independent of use of the system resource associated with displaying the displayable object. In particular, Applicants respectfully assert that the “size or location” graphical characteristics of a displayable object would be associated with use of a system resource for displaying the displayable object, if size or location is associated with use of a system resource. In contrast, claim 1 is amended to include the limitation “wherein said graphical characteristic represents a percentage usage of a system resource of a computer system in associated with said at least one displayable object, wherein said percentage of usage is independent of use of said system resource associated with displaying said at least one displayable object.” In one example, the amendment to claim 1 finds basis in the specification at page 13, lines 1-7.

In addition, Applicants note that dependent claim 5 included the limitation “detecting said graphical characteristic of said at least one displayable object, wherein said graphical characteristic is determined by a resource utilization of said at least one displayable object.” The Examiner rejected dependent claim 5 based on the description in Sciammarella of “adjusting the audio output according to the detected size of the graphical object, or the amount of screen space

AUS920010520US1

14

PATENT  
10/058,397

utilized by the graphical object” as described in column 3, lines 20-40. [Office Action, p. 3] In addition, during the interview, the Examiners explained that “resource utilization” could include use of screen space. Applicants note that while amended claim 1 includes “usage of a system resource” which is similar to “resource utilization”, as defined by the Examiner, amended claim 1 is also amended to limit the teaching of the claim to system resource usage that does not include usage associated with displaying the displayable object, such as the size of the graphical object or amount of screen space utilized by the graphical object.

Thus, where claim 1 is amended to include a limitation of the graphical characteristic indicating a percentage of usage of a system resource, where the use of the system resource associated with displaying the displayable object is not included in the percentage of usage, Sciammarella does not teach all the elements of amended claim 1. Therefore, Applicants respectfully request removal of the rejection and allowance of amended claim 1. In addition, Applicants respectfully request allowance of amended claims 10 and 19 for the same reasons, where amended claims 10 and 19 are rejected for the same reasons as claim 1 and amended in similar manner as claim 1.

**Claims 1-3, 5-6, 8-9, 11-12, 14-15, 17-18, 20-21, 23-24 and 26-27**

Claims 1-3, 5-6, 8-9, 11-12, 14-15, 17-18, 20-21, 23-24 and 26-27 are dependent on independent claims 1, 10, and 19. Claims 1, 10, and 19 are amended for allowance. Thus, Applicants first note that claims 1-3, 5-6, 8-9, 11-12, 14-15, 17-18, 20-21, 23-24 and 26-27 are dependent upon an allowable independent claim and request allowance of these dependent claims. Second, Applicants note that whether or not claims 1, 10, and 19 are allowable, claims 5-6, 14-15, and 23-24 are not anticipated and should be allowed.

Claims 5, 14, and 23

With respect to claims 5, 14, and 23, the Examiner cites Sciammarella as teaching the method, system and program of claims 5, 14, and 23, respectively. [Office Action, p. 3] In particular, amended claim 5 currently reads:

AUS920010520US1

15

PATENT  
10/058,397

5.(Currently Amended) The method for specifying audio output according to claim 1, said step of detecting a graphical characteristic further comprising the step of:

detecting said graphical characteristic of said at least one displayable object, wherein said graphical characteristic is determined by said percentage usage of said system resource of said computer system in association with [a resource utilization of] said at least one displayable object, wherein said system resource is at least one central processing unit.

As previously discussed, the Examiner rejects claim 5 in view of Sciammarella's teaching of "adjusting the audio output according to the detected size of the graphical object, or the amount of screen space utilized by the graphical object" as taught in col. 3 lines 20-40. [Office Action, p. 3] Applicants previously noted that Sciammarella does not teach a graphical characteristic that is determined by the percentage usage of a system resource of a computer system in association with the displayable object. Applicants have amended claim 5, responsive to the amendments to claim 1, to provide proper antecedent basis, in referring to the amendment of "said percentage usage of said system resource of said computer system in association with said at least one displayable object."

In addition, Applicants have amended claim 5 to teach that the "system resource" is "at least one central processing unit". This teaching finds basis in the specification at page 14, lines 11-24, and in other portions of the specification. Just as Sciammarella does not teach a graphical characteristic that is determined by a percentage usage of a system resource of a computer system, Sciammarella also does not teach the graphical characteristic where the system resource is a central processing unit.

Because Sciammarella does not teach a graphical characteristic determined by the percentage of usage of a system resource of a computer system, where that system resource is at least one central processing unit, Applicants respectfully request allowance of amended claim 5.

AUS920010520US1

16

PATENT  
10/058,397

In addition, Applicants respectfully request allowance of claims 14 and 23 for the same reasons, where claims 14 and 23 are rejected for the same reasons as claim 5 and amended in a similar manner as claim 5.

Claims 6, 15, and 24

With respect to claims 6, 15, and 24, the Examiner cites Scimmarella as teaching the method, system, and program of claims 6, 15, and 24, respectively. [Office Action, p. 3] In particular, claim 6 current reads:

6. (Original) The method for specifying audio output according to claim 1, said step of detecting a graphical characteristic further comprising the step of:

adjusting said sound according to an environmental effect associated with said at least one displayable object.

The Examiner rejects claim 6 in view of Sciammarella's teaching of "adjusting the volume of the output sounds according to the environmental effect of the graphical object, such as a change in size or location of the object" based on col. 3 lines 20-40 and col. 4 lines 7-16. [Office Action, p. 3] Thus, the Examiner equates an "adjustment in volume" to an "environmental effect".

Applicants respectfully note, however, that the term "environmental effect" is described within the specification as a sound effect, such as a whisper, an echo, or a muffle. [Specification page 15, lines 13-30. As defined by The American Heritage Dictionary of the English Language, Fourth edition, "sound effect" means "an imitative sound, as of thunder or an explosion, produced artificially for theatrical purposes, as for a film, play, or radio program." (copyright 2000 by Houghton Mifflin Company. Thus, a "sound effect" implies the adjustment of a sound to make an "imitative sound" of some effect, such as a thunder, a whisper, or other actual sound. A mere change in volume of a sound is not a "sound effect", but merely a change in volume. For example, a "whisper" effect may include lowering a volume, but would also

AUS920010520US1

17

PATENT  
10/058,397

require some additional effect to make the sound imitative of the sound of a whisper. Thus, Applicants respectfully assert that an “environmental effect”, which by example implies sound effects, is not taught by a mere change in volume. Therefore, Applicants respectfully assert that Sciammarella does not teach the element of an “environmental effect” and respectfully request allowance of claim 6. In addition, Applicants respectfully request allowance of claims 15 and 24, which are rejected on the same grounds as claim 6, for the same reasons as claim 6 should be allowed.

***35 USC § 103(a)***

**Claims 4, 7, 13, 16, 22, and 25**

Claims 4, 7, 13, 16, 22, and 25 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Sciammarella in view of Gibson (U.S. Patent 5,812,688). [Office Action, p. 4] First, Applicants note that claims 4, 7, 13, 16, 22, and 25 are dependent upon base claims 1, 10, 19 which are amended for allowance. Therefore, Applicants respectfully request allowance of claims 4, 7, 13, 16, 22, and 25 as dependent claims of allowed base claims.

AUS920010520US1

18

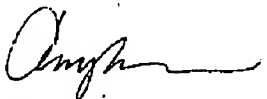
PATENT  
10/058,397

*Conclusion*

Applicants note the citation of pertinent prior art cited by the Examiner.

In view of the foregoing, withdrawal of the rejections and the allowance of the current pending claims is respectfully requested. If the Examiner feels that the pending claims could be allowed with minor changes, the Examiner is invited to telephone the undersigned to discuss an Examiner's Amendment. Further, Applicants reiterate the request for a telephone conference with the Examiner at the Examiner's earliest convenience.

Respectfully submitted,

 ON 11/26/2004

Amy J. Pattillo  
ATTORNEY FOR APPLICANTS  
Reg. No. 46,983  
P.O. Box 161327  
Austin, Texas 78716  
512.347.7204 (phone)  
512.306.0417 (fax)

AUS920010520US1

19